

REMARKS

This application is a division of a national application filed in accordance with the PCT provisions. The PCT case, in turn, claims priority of a British application filed in June 1996. Acknowledgement of the claimed priority and the priority documents in this divisional application is respectfully requested.

Claim 1 has been amended to specify that the housing comprises a wall extending about a longitudinal axis and includes a first open end. In a preferred embodiment, as shown in the drawings, the housing is a cylinder having opposing open ends. Claim 1 has further been amended to locate the axially slideable bung between the first open end of the housing and the needle support.

Claim 1 was rejected under 35 USC § 102 over Kriesel or Okamoto and claims 2-12 were rejected under 35 USC § 103 over Kriesel in view of Okamoto and Aoki. These rejections are respectfully traversed.

Kriesel relates to a mixing and delivery syringe assembly. One of the features of the present invention which cannot be found in this reference is the axially slideable bung which is disposed between the open end of the housing and the support for the needle. The device in this reference does have a bung 36 but that bung is disposed on the closed end (32) side of support 42 rather than the open end (34) side of the support. It is therefore respectfully submitted that the rejection based on Section 102 is untenable.

The Okamoto patent relates to a mixing container composed of an outer tube having a double ended needle slidably mounted within it. At one end of the tube, is disposed a liquid container A comprising a body having an open upper end with a seal portion closing that opening. The outer tube B is fixatedly joined to seal portion 2 of

container A (col. 3, lines 31-32). At the other end of tube B, a movable medicine containing vial whose mouth is covered by a seal 19 is mounted. There is, however, no axially slideable housing bung on either side of the needle support. Accordingly, the rejection under 35 USC § 102 over this reference is respectfully submitted to be untenable.

With regard to the rejection of claims 2-12, the disclosures of Kriesel and Okamoto have been discussed above. There is nothing in either of these references which teaches or suggest an axially slideable housing bung arranged between an open end of the housing and a needle support. The Aoki patent has not been cited to overcome this deficiency and review of that reference shows that it does not in fact do so. Accordingly, it is respectfully submitted that the obviousness rejection is also untenable.

The device of the present invention is designed to bring first and second vehicles into liquid communication. It is a device that can be stored or sold separately from the vessels and into which the vessels can be inserted for use. Because of this, it is important to protect the needle ends for both sterility and for safety of the user. This result is achieved by providing an axially slideable bung at an open end of the housing. When a vessel containing medicament is placed into that open end of the device and put into fluid communication with another vessel in a device, any seal on the end of the vessel will be perforated by the needle after the needle has passed through the bung. The construction in claims 1-11 of the present application is clearly not taught or suggested by the references, alone or in combination.


Claim 12 pending in this case calls for a double ended needle, a needle hub surrounding and supporting the needle, the hub comprising a protruding portion and a base portion connected to one another by a frangible portion, the protruding portion

capable of collapsing within the base portion when force is applied to break the frangible portion, thereby causing an end of the needle to protrude beyond the end of the hub. The device of claim 12, like the device of claim 1, is neither taught or suggested by references whether considered alone or in combination.

In light of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant